

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LISA L. MADRID,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,¹

Defendant.

No. 1:21-cv-0352 JLT SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
PLAINTIFF'S APPEAL, DENYING THE
COMMISSIONER'S REQUEST TO AFFIRM
THE DECISION, AND REMANDING THE
MATTER FOR FURTHER PROCEEDINGS
PURSUANT TO SENTENCE FOUR OF 42
U.S.C. § 405(g)

(Docs. 13, 17, and 19)

Lisa Madrid seeks judicial review of the administrative decision denying her application for disability insurance benefits under Title II of the Social Security Act, asserting the ALJ erred in finding her impairments were not severe at step two of the sequential analysis. (Doc. 13.) The Commissioner argued the administrative decision should be upheld by the Court. (Doc. 17.)

The assigned magistrate judge found ALJ erred at step two, and the error was not harmless. (Doc. 19 at 18-27.) The magistrate judge recommended Plaintiff's appeal be granted, and the action be remanded for further proceedings. (*Id.* at 26-27.) On April 6, 2023, the Court served the Findings and Recommendations on all parties and informed them that any objections had to be filed within fourteen days of service. (*Id.* at 27.) The Court also advised the parties that

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew Saul as the defendant in this suit.

“failure to file objections within the specified time may result in the waiver of rights on appeal. (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) No objections were filed by either party and the deadline to do so has expired.

Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court performed a *de novo* review of the case. Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on April 6, 2023 (Doc. 19) are **ADOPTED** in full.
2. Plaintiff’s appeal of the administrative decision (Doc. 13) is **GRANTED**.
3. The Commissioner’s request to affirm the decision (Doc. 17) is **DENIED**.
4. The matter is **REMANDED** for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).
5. The Clerk of Court is directed to enter judgment in favor of Plaintiff Lisa L. Madrid, and against Defendant Kilolo Kijakazi, Acting Commissioner of Social Security, and to close this case.

IT IS SO ORDERED.

Dated: **May 2, 2023**


UNITED STATES DISTRICT JUDGE